S.B. Cr. Bail Application No. 5027/2007
(Ghanshyam Singh Vs. State of Rajasthan)

Date of order : 09.10.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Mukesh Patodia for the petitioner.
Mr. V.R.Mehta, P.P.

Learned counsel for the petitioner submits that initially the police did not file challan against the present petitioner, however, the trial court on the basis of the material placed before it, took the cognizance of the offences under Sections 366, 342, 120-B and 376 IPC. The order taking cognizance by the trial court came to be challenged before this Court by way of criminal misc. petition under Section 482 Cr.P.C. which came to be dismissed.

Since the order taking cognizance has been upheld and has not further been challenged and there are allegations of kidnapping and rape, in my view, it is not a fit case to grant anticipatory bail to the petitioner.

At this stage, learned counsel for the petitioner submits that he does not want to press the instant bail

application, however, submits that the petitioner would surrender before the trial court and move a bail application and the trial court may be directed to consider and decide the bail application on the same day.

In this view of the matter, the bail application filed by the petitioner under Section 438 Cr.P.C. is dismissed as not pressed. Let the petitioner surrender before the trial court and if the petitioner surrenders before the trial court and moves a regular bail application, the trial court shall consider the decide the same in accordance with law on the same day.

(H.R.PANWAR), J.

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